

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND**

THE HON'BLE MRS JUSTICE ANIS

WRIT PETITION No.41120 OF 2014

ORDER:- (per Hon'ble Sri Justice K.C.Bhanu)

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records in connection with the order, dated 01.12.2014, in T.A.No.02 of 2013, which was disposed of along with T.A.No.01 of 2013 and Batch on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, "the Tribunal") and quash the same, as illegal and arbitrary.

2. Initially, respondent No.2 filed W.P.No.11526 of 2006 before this Court and later, on jurisdictional aspects, the said writ petition was transferred to the Tribunal and numbered as T.A.No.02 of 2013. Case of respondent No.2 is that he was initially engaged as Casual Labourer in the Department of Telecommunications on 27.04.1991 and continued in service without break by performing work, which is permanent in nature, and he is entitled to the benefit of granting temporary status and regularisation to that of the casual labourers working in the Department of Telecommunications as per the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme, 1987, since the Department of Telecommunications has transformed into M/s.Bharat Sanchar Nigam Limited with effect from 01.10.2000 onwards.

3. The Tribunal, upon considering the material on record, disposed of the aforementioned T.A. with a direction to the petitioners herein to extend the same benefit to respondent No.2/applicant, which was granted to the applicants in W.A.No.2560 of 2005 vide judgment, dated 09.10.2014, if he is similarly situated. Challenging the same, Government filed the present writ petition.

4. Learned counsel for the petitioners contended that the issue in this writ petition is not squarely covered by the judgment, dated 09.10.2014, in W.A.No.2560 of 2005 and hence, she prays to set aside the impugned order.

5. On the other hand, learned counsel for respondent No.2/applicant stated that the relief sought for in W.P.No.11526 of 2006 is to give a direction to the petitioners herein to consider the case of the applicant for absorption as Regular Mazdoor in the existing vacancies in Ananthapur Division with all consequential benefits; that the department has no objection to absorb the applicant as Regular Mazdoor in the existing vacancies provided respondent No.2/applicant fulfils the eligibility criteria and hence, he prays to dismiss the writ petition.

6. The prayer in W.P.No.1856 of 2005 in which W.A.No.2560 of 2005 was filed is that the petitioners therein are entitled for grant of temporary status and regularisation with all consequential benefits. It is contended by the learned counsel for the petitioners herein that the prayer in the writ petition is entirely different to that of the prayer sought for in the Original Application, as admittedly, temporary status was granted. It is not in dispute that respondent No.2 herein was initially engaged as Contract Labour for six hours from 27.04.1991. He was converted into Full Time Casual Labour (eight hours) with effect from 26.12.2002. He was granted the benefit of temporary status with effect from 01.01.2004. The only question is that respondent No.2 has to be absorbed as Regular Mazdoor provided he fulfils the eligibility criteria as per the scheme, if any, existing in the department. Therefore, appropriate decision has to be taken by the petitioners herein for absorption of respondent No.2/applicant as Regular Majdoor in the existing vacancies.

7. Accordingly, the Writ Petition is disposed of directing the

petitioners herein to take appropriate decision for absorption for respondent No.2/applicant as Regular Majdoor, as per his eligibility and existing vacancies in terms of the scheme, if any, available, within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C.BHANU

JUSTICE ANIS

Date: 31.12.2014
AMD

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS**

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WRIT PETITION No.41120 OF 2014

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DATE: 31.12.2014

AMD